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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,344	02/20/2004	Hiromi Uchiyama	127A 3494	7708

7590 12/15/2005

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EXAMINER

BLAKE, CAROLYN T

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,344

Applicant(s)

UCHIYAMA, HIROMI

Examiner

Carolyn T. Blake

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okabe (6,317,984) in view of Doley (6,158,125).

Okabe discloses a reciprocating type electric shaver (50) substantially as claimed comprising: an outer cutter (12); an inner cutter (52) in which a plurality of cutter blades (52b) that make sliding contact with an inside surface of said outer cutter (12) are provided on a cutter blade supporting body (52a) in a straight row in a direction of length of said outer cutter (12); and a driving mechanism (motor 20) that causes said inner cutter (50) to make a reciprocating motion in said direction of length of said outer cutter (12). Furthermore, Okabe discloses the cutter blade supporting body (51) is urged via a biasing element (coil spring 72) in a direction against the outer cutter (12) on an upper portion of a drive shaft (such as shaft 58) installed in a main body (14) and is supported by a biasing element (64) provided between said cutter blade support body (52a) and said main body (14).

Okabe fails to disclose the cutters are deformable as claimed. However, Doley discloses an electric shaver comprising a plurality of blade elements wherein the elements are deformable to take on an inwardly curved shape. See FIGS 10A and 10B. This

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deformability allows the blades to conform to the contours of a user's skin (col. 9, lines 10-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Okabe blades deformable, as taught by Doley, for the purpose of conforming to the contours of a user's skin.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okabe in view of Doley as applied to claims 1-3 above, and further in view of the following.

The Okabe-Doley combination fails to disclose the cutter blade supporting body material as claimed. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use material for the supporting body with the properties claimed since it has been held the selection of a material on the basis of suitability for the intended use is obvious. *In re Leshin*, 125 USPQ 416 (CCPA 1960).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okabe in view of Doley as applied to claims 1-3 above, and further in view of Barnes et al (5,750,956).

The Okabe-Doley combination fails to disclose the outer cutter material as claimed. However, Barnes et al disclose a film-form substrate for use with electric shavers, particularly the outer cutters wherein the outer cutter contains ring-form cutter bodies (holes). See FIGS 6a-9. The substrate decreases friction between the outer and inner cutters. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a film-form substrate, as taught by Barnes et al, on the Okabe-Doley combination for the purpose of decreasing friction between the inner and outer cutters.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tezuka et al (5,678,313) discloses a reciprocating shaver with several biasing elements. Esnard (4,459,744), Ferrarao et al (5,813,119), Orloff (6,009,623), and Andrews (6,216,345) disclose shavers with flexible blades. Domoto et al (6,254,008) disclose a film-form substrate for a razor.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB

December 9, 2005



Allan N. Shoap
Supervisory Patent Examiner
Group 3700